

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**UNITED STATES OF AMERICA, )  
                                )  
vs.                         )      **DOCKET NO. 2:18-cr-122-JDL**  
                               )  
**MAURICE DIGGINS         )****

**DEFENDANT'S UNOPPOSED MOTION TO CONTINUE TRIAL TO THE  
MARCH 2, 2020 TRIAL LIST, SPEEDY TRIAL WAIVER, AND REQUEST FOR  
SPECIFIC TRIAL DATE WITH INCORPORATED MEMORANDUM**

NOW COMES Maurice Diggins, by counsel pursuant to F.R.Cr.P. 45(b), and requests this case be continued to the March 2, 2020 trial list with the trial scheduled to begin on March 3, 2020. In support of this motion, counsel states the following:

1. Maurice Diggins and Dusty Leo face a three count superseding indictment charging in Count One, Conspiracy, and in Counts Two and Three violations of 18 U.S.C. § 249(a)(1). (ECF #58). Mr. Diggins is in custody. (ECF # 33). Codefendant Dusty Leo is on bond with conditions. (ECF ## 38, 39). The court recently ruled on outstanding motions and the case is on the February 3, 2020 trial list. (ECF ## 119-121).
2. All counsel have met, discussed potential witnesses, witness availability, the potential length of trial, counsels' schedules and the court's schedule. A February trial poses multiple date conflicts for all involved including potential witnesses, and counsel. The parties have checked with the clerk's office and it appears jury selection can be set for Monday, March 2, 2020 with trial to begin on March 3, 2020. The parties anticipate approximately 5 to 6 trial days.
3. Defense counsel needs the requested additional time to complete trial preparation

following the court's recent rulings on pretrial motions. (ECF ## 119, 120).

4. The interests of justice to be served by the requested exclusion of time outweigh the interest of the defendant and the public in a speedy trial because the defense needs adequate time to review and evaluate the evidence and prepare for trial. The Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A)(B)(ii) allows the court to enlarge time periods and exclude from calculation the time period involved here as the ends of justice served by this enlargement to allow adequate preparation by defense counsel outweigh the best interest of the public and the defendant in a speedy trial.

5. The defendant is aware of his rights under the Speedy Trial Act, 18 U.S.C. §3161 and voluntarily waives those time limits.

6. AUSAs Sheila Sawyer and Timothy Visser and attorney Amy Fairfield representing codefendant Leo have no objection to the requested continuance and are in agreement with the specific assignment dates sought.

**Wherefore Defendant requests this Motion be GRANTED, the case continued to the March 2, 2020 trial list and the case specifically assigned for jury selection on March 2, 2020 with trial to begin March 3, 2020.**

DATE: January 8, 2020

*/s/ David Beneman*  
David Beneman  
Attorney for Maurice Diggins

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### CERTIFICATE OF SERVICE

I, **David Beneman**, attorney for **Maurice Diggins**, hereby certify that I have served, electronically, a copy of the **within “DEFENDANT'S UNOPPOSED MOTION TO CONTINUE TRIAL TO THE MARCH 2, 2020 TRIAL LIST, SPEEDY TRIAL WAIVER, AND REQUEST FOR SPECIFIC TRIAL DATE WITH INCORPORATED MEMORANDUM”** upon **Sheila Sawyer** and **Timothy Visser**, Assistant United States Attorneys, and, **Amy Fairfield**, Esq. and all other counsel of record via the ECF system.

/s/ David Beneman  
David Beneman

DATE: January 8, 2020